

December 16, 2011

## UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

## FOR THE TENTH CIRCUIT

DALE E. HARPER,

Plaintiff - Appellant,

v.

WOODWARD COUNTY BOARD OF  
COUNTY COMMISSIONERS; GARY  
STANLEY, Sheriff; KEVIN  
MITCHELL, Undersheriff;  
SAUNNICE THOMPSON, Jail  
Administrator; DEVAN BREWER,  
Deputy Jailer; DON WORK,  
Magistrate Judge; RAY DEAN  
LINDER, District Judge; DANNY  
LOHMAN, Assistant DA; A. J.  
LAUBHAU, Assistant DA; HOLLIS  
THORP, DA; T. KEITH WILSON,  
OIDS Attorney; NEWELL E.  
WRIGHT, OIDS Attorney; CYNTHIA  
VIOL, OIDS Attorney; EDWINA  
SMITH, PA; ROGER ROUTH, Deputy  
Jailer; JOHN DOES, 3 Unknown  
SWAT Team Members; URGENT  
CARE, Woodward OK; KIM  
CROUCH, Supervisor Whitehorse  
Ranch; OTTO VINES,

Defendants - Appellees.

No. 11-6326

(D.C. No. 5:11-CV-00996-HE)

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ORDER

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Before **HARTZ**, **TYMKOVICH** and **GORSUCH**, Circuit Judges.

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This court lacks jurisdiction over this appeal.

The plaintiff appeals from an order entered by a magistrate judge denying a motion pertaining to the payment of partial fees. This is not appealable to this court. Except for proceedings conducted by the magistrate judge on consent of the parties pursuant to 28 U.S.C. § 636(c), a court of appeals lacks jurisdiction to hear an appeal taken directly from a decision of a magistrate judge. *See Colorado Building & Construction Trade Council v. B.B. Andersen Construction Co.*, 879 F.2d 809 (10th Cir. 1989).

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney